

109TH CONGRESS
1ST SESSION

H. R. 733

To require providers of wireless telephone services to provide access to the universal emergency telephone number in subterranean subway stations located within their area of coverage.

IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 9, 2005

Mr. WEINER introduced the following bill; which was referred to the
Committee on Energy and Commerce

A BILL

To require providers of wireless telephone services to provide access to the universal emergency telephone number in subterranean subway stations located within their area of coverage.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Subway Cell Access
5 Act”.

1 **SEC. 2. REQUIREMENT TO PROVIDE ACCESS TO THE UNI-**
2 **VERSAL EMERGENCY TELEPHONE NUMBER**
3 **IN SUBWAY STATIONS.**

4 (a) IN GENERAL.—Section 332(c) of the Communica-
5 tions Act of 1934 (47 U.S.C. 332(c)) is amended by add-
6 ing at the end the following new paragraph:

7 “(9) ACCESS TO 911 SERVICE IN SUBWAY STA-
8 TIONS.—

9 “(A) IN GENERAL.—The Commission
10 shall, by regulation, require that each commer-
11 cial mobile service provide service for the uni-
12 versal emergency telephone number designated
13 under section 251(e)(3) within each subterra-
14 nean boarding station that is located within any
15 geographic area in which such commercial mo-
16 bile service provides service at ground level.

17 “(B) INFRASTRUCTURE SHARING.—Such
18 regulations shall require commercial mobile
19 services providing service described in subpara-
20 graph (A) within subterranean boarding sta-
21 tions—

22 “(i) to make available to other com-
23 mercial mobile services such infrastructure,
24 technology, information, facilities, and
25 functions as may be requested by such
26 other service for the purpose of enabling

1 such other service to provide such service;
2 and

3 “(ii) to use such infrastructure, tech-
4 nology, and facilities in providing such ac-
5 cess that will facilitate sharing of such in-
6 frastructure, technology, and facilities
7 under clause (i).

8 “(C) DEFINITIONS.—For purposes of this
9 paragraph:

10 “(i) COVERED SUBWAY SYSTEM.—The
11 term ‘covered subway system’ means a
12 fixed guideway mass transportation facility
13 that—

14 “(I) is described in section
15 5302(a)(4)(A) of title 49, United
16 States Code; and

17 “(II) operates as a common car-
18 rier.

19 “(ii) SUBTERRANEAN BOARDING STA-
20 TION.—The term ‘subterranean boarding
21 station’ means a location or station that—

22 “(I) is located below ground level;

23 “(II) is part of any covered sub-
24 way system; and

1 “(III) provides public access or
2 boarding to the vehicles used in such
3 covered subway system.”

4 (b) LIMITATION ON STATE REGULATION OF PLACE-
5 MENT OF FACILITIES.—Section 332(c)(7)(B)(i)(II) of the
6 Communications Act of 1934 (47 U.S.C.
7 332(c)(7)(B)(i)(II) is amended by inserting before the pe-
8 riod at the end the following: “, including the provision
9 of commercial mobile service in subterranean boarding
10 stations to the extent necessary to provide service required
11 under paragraph (9)”.

12 (c) RULEMAKING AND APPLICABILITY.—

13 (1) RULEMAKING PROCEEDING.—The Commis-
14 sion shall, within 60 days after the date of the en-
15 actment of this Act, initiate a rulemaking proceeding
16 to prescribe regulations necessary to carry out the
17 amendments under this Act.

18 (2) APPLICABILITY.—This amendments made
19 by this Act are made on the date of the enactment
20 of this Act, but shall apply upon the expiration of
21 the 2-year period beginning upon the issuance of
22 final regulations to carry out the amendments made
23 by this Act, except that the Federal Communications
24 Commission may, by regulation, provide for earlier
25 applicability of regulations issued pursuant to sec-

1 tion 332(c)(9)(B) of the Communications Act of
2 1934 (47 U.S.C. 332(c)(9)(B)), as added by sub-
3 section (a) of this section, to facilitate compliance
4 with the requirement of section 332(c)(9)(A) of such
5 Act.

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